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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/966,757	Applicant(s) HENDRICKS, JOHN S.
	Examiner JAMES SHELEHEDA	Art Unit 2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

1) Responsive to communication(s) filed on 18 September 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-22 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 09/18/08 have been fully considered but they are not persuasive.

a. In response to applicant's arguments on page 11, regarding combining the signals prior to compression, it is noted that Nemirofsky discloses wherein the control signals are combined with the video signal (column 6, lines 31-39). Data insertion unit, 38, will encode the control signals either into the VBI (for analog video) or into a data sub-carrier channel (for digital video) (Fig. 2; column 6, lines 31-39). Both cases clearly result in the video and control signals being "combined" as the control signals are being carried with the video.

After this combining step, the combined video and control signals are sent to encoder, 40, which includes a digital data compressor, 40B (Fig. 2; column 5, lines 43-59). Thus, the video signal and control signal were clearly combined prior to the compression step. Therefore, applicant's arguments are not convincing.

Applicant argues that the control signals are transmitted separately from the video programs and points to column 7, lines 3-5. This section, however, refers to the modulation which occurs *after* the combining and compressing steps (see Fig. 2, column 6, line 67-column 7, line 14). The control signals are transmitted to subscribers over a separate digital source channel, which is not

precluded by applicant's claim language. The claims do not require all of the signals to be transmitted over the same single channel to the subscribers.

b. On pages 11-13, applicant argues that the 'MG' and 'PG' menus both constitute "top level" menus and that the no level is skipped in Young.

In response, Fig. 10 discloses the 'prime' menu which is reached from the PG menu (column 12, lines 30-45 and column 18, lines 59-63). Once within the 'prime' menu, the user will enter a preferred start time (at 422-423; column 18, line 64-column 19, line 5). If AM or PM was entered, this value is stored or a default value will be used (424, 'A,P Key", 428; column 18, line 64-column 19, line 5). Finally, the user must enter an end time (428, 429; column 19, lines 6-10). Once the user has entered a valid end time, the 'prime' menu exits and the MG menu is ***automatically displayed*** customized based upon the users selections within the 'prime' menu (column 19, lines 6-10). Thus, the MG menu is clearly a sub-menu of the PG menu, as navigating through the PG menu allows the user to customize and access the MG menu.

Alternatively, the user could press the MG key and jump directly to the MG menu (Fig. 10, see step 426 vs. step 429). This would bypass the "prime" menu which was used in the previous example.

Thus, applicant's arguments are not convincing.

Applicant argues that exiting the “prime” menu simply returns the system to the top level menu “MG”. It is noted, however, that the ‘MG’ menu was not previously used, so it is unclear how the user would be *returning* to it.

As indicated above (and seen within the figure provided by applicant on page 12 of their response) the user would start in the PG menu. From the PG menu, the user navigates to the Prime menu. From the Prime menu, the user reaches the MG menu. There is no ‘returning’ as applicant suggests, as the user was not previously within the MG menu. If the system was simply returning to the top menu, this would be the PG menu which was originally used.

Applicant’s argument is based upon the arbitrary decision to draw a figure showing the MG menu on the “top” alongside the PG menu. A quick look at applicant’s figure, however, shows that the navigation of the menu structure is exactly the way the examiner stated. The menus navigate from the PG menu to the Prime menu to the MG menu. As the user could press the MG key and jump directly to the MG menu (Fig. 10, see step 426 vs. step 429), this would bypass the Prime menu on the chart. Thus, Young meets the current claim limitations.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Banker et al. (Banker) (5,477,262) (of record) in view of Young (4,706,121) (of record), Nemirofsky (5,412,416) (of record) and Tokumitsu (4,845,662) (of record).

As to claim 22, while Banker discloses a television system delivery system for generating an interactive electronic program guide for display on a television connected to the set top terminal (Fig. 1), the system comprising:

an operations center (headend; Fig. 1; column 7, lines 58-63) comprising:
a means for packaging a plurality of television programs (plural scheduled programs to be broadcast to viewers; Figs. 2 and 13A; column 5, lines 49-53, column 18, lines 3-19 and column 21, lines 62-64); and

a means for generating program control information including data associated with the packaging of the television programs (column 18, lines 3-19 and column 21, lines 62-64);

a means for combining the packaged plurality of television programs and the generated program control information (scramblers; Fig. 1-2; column 8, line 45-column 9, line 32) before performing modulation (Fig. 1);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (Fig. 2; column 9, lines 26-51, column 18, lines 3-19 and column 21, lines 62-64);

a set top terminal (Fig. 3, 300; column 10, lines 61-63), located at the subscriber's location, that receives the television programs from the operations center (column 11, lines 37-52), the terminal comprising:

a microprocessor (310) for executing program instructions (column 11, lines 31-36);
a graphic memory (NVM, 314; column 12, lines 1-5);
a graphic generator (on screen control circuit, 306) to generate graphics from the graphic memory (column 12, lines 1-5 and lines 27-61); and
a subscriber interface for choosing an option from displayed graphics (column 21, lines 34-43) and for effecting the memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),
wherein the terminal generates an interactive electronic program guide (column 11, lines 21-31) comprising:
a plurality of interactive menus (interactive menus for such features as sleep mode, messages, pay-per-view, VCR timing and STB control; Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27), each corresponding to a level of interactivity and having one or more interactive menu items for selection (Figs. 8, 10, 12, 16A, 18 and 20; column 21, line 44-column 25, line 27);
a main menu having one or more main menu items for selection (top menu; Fig. 7A), which main menu items correspond to the interactive menus (corresponding to the submenus; Fig. 7 and 7A; column 21, lines 34-45), wherein the menus are navigated using a user input (column 21, lines 34-43), and wherein the main menu items and the interactive menu items are responsive to selection signals received from the user input (column 21, lines 34-43); and

a cursor for navigation of the menus (column 19, line 59-column 20, line 34), wherein the cursor movement corresponds to the user input and assists in the selection of one or more main menu items (see Fig. 7A and column 20, lines 6-34), wherein the menus are linked in a tree structure (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33), he fails to specifically disclose the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, combining the television programs and program control information prior to compression, a means for compressing the packaged television programs and the program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs and decompression hardware for decompressing the compressed program control information.

In an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

Additionally, in an analogous art, Nemirofsky discloses a video distribution system (Fig. 1-2) wherein control data is inserted into the VBI of video programming (column 6, lines 31-59) prior to being transmitted to a modulator (column 6, lines 43-52) which includes a compressor (40B) which will compressed the received video signals prior to modulating and transmitting the signals (column 6, line 52-column 7, line 13) and then decompressed at a receiver for the typical benefit of maximizing transmissibility by decreasing the size of the video data and allowing more channels to be transmitted over a single transmission channel (column 6, lines 60-66).

Finally, in an analogous art, Tokumitsu discloses a video distribution system wherein textual information is compressed prior to transmission to the user and decompressed at the receiver (column 1, lines 10-53) for the typical benefit of enhancing data transmission efficiency (column 1, lines 10-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught in combination with Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Young's system to include combining the television programs and program control information prior to compression, a means for compressing the packaged television programs and the

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program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs, as taught in combination with Nemirofsky, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Young and Nemirofsky's system to include a means for compressing the program control information and decompression hardware for decompressing the program control information, as taught in combination with Tokumitsu, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

4. Claims 8-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banker in view of Gibson (5,539,871) (of record), Young, Nemirofsky and Tokumitsu.

As to claim 8, Banker discloses a television system delivery system for generating an interactive electronic program guide for display on a television connected to the set top terminal (Fig. 1), the system comprising:

an operations center (headend; Fig. 1; column 7, lines 58-63) comprising:
a means for packaging a plurality of television programs (plural scheduled programs to be broadcast to viewers; Figs. 2 and 13A; column 5, lines 49-53, column 18, lines 3-19 and column 21, lines 62-64); and

a means for generating program control information including data associated with the packaging of the television programs (column 18, lines 3-19 and column 21, lines 62-64);

a means for combining the packaged plurality of television programs and the generated program control information (scramblers; Fig. 1-2; column 8, line 45-column 9, line 32) before performing modulation (Fig. 1);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (Fig. 2; column 9, lines 26-51, column 18, lines 3-19 and column 21, lines 62-64);

a set top terminal (Fig. 3, 300; column 10, lines 61-63), located at the subscriber's location, that receives the television programs from the operations center (column 11, lines 37-52), the terminal comprising:

- a microprocessor (310) for executing program instructions (column 11, lines 31-36);
- a graphic memory (NVM, 314; column 12, lines 1-5);
- a graphic generator (on screen control circuit, 306) to generate graphics from the graphic memory (column 12, lines 1-5 and lines 27-61); and
- a subscriber interface for choosing an option from displayed graphics (column 21, lines 34-43) and for effecting the memory location from which graphical information is generated by the graphics generator (column 21, lines 34-43 and column 12, lines 1-5 and lines 27-61),

wherein the terminal generates an interactive electronic program guide (column 11, lines 21-31) having an overlay menu that is displayed during the one of the programs (Figs. 7 and 7A; column 12, line 62-column 13, line 13 and column 21, lines 34-43), the overlay menu including interactive features (Fig. 7A), wherein the overlay menu is displayed in response to a signal received from a user input (Figs. 3 and 4; column 16, lines 19-42 and column 19, lines 59-65).

While Banker discloses an overlay menu that is displayed in response to a signal received from the user input (column 19, line 59-column 20, line 5), and wherein the overlay menu is in a series of menus that are linked in a tree sequence (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33), he fails to specifically disclose wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program and the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, combining the television programs and program control information prior to compression, a means for compressing the packaged television programs and the program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs and decompression hardware for decompressing the compressed program control information.

In an analogous art, Gibson discloses a system wherein an interactive menu system for display on a television in conjunction with television programming (column 2, lines 10-27), wherein

a logo that is displayed on a display during a program having one or more interactive features (column 3, line 65-column 4, line 35 and column 6, lines 1-24), when interactive content is detected within the program (see Fig. 3; column 5, lines 43-67);

a overlay menu that is displayed during the program (displayed list of choices; column 6, lines 51-56), the overlay menu including the interactive features (column 6, lines 53-62),

wherein the logo indicates to a user that the interactive features are available for the program (column 4, lines 7-35 and column 6, lines 1-24), and wherein the overlay menu is displayed in response to a signal received from a user input (column 6, line 38-56) for the typical benefit of allowing a user to elect to access additional information associated with a multimedia presentation (column 1, lines 39-63).

Additionally, in an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately

access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

Also, in an analogous art, Nemirofsky discloses a video distribution system (Fig. 1-2) wherein control data is inserted into the VBI of video programming (column 6, lines 31-59) prior to being transmitted to a modulator (column 6, lines 43-52) which includes a compressor (40B) which will compressed the received video signals prior to modulating and transmitting the signals (column 6, line 52-column 7, line 13) which is then decompressed at the receiver for the typical benefit of maximizing transmissibility by decreasing the size of the video data and allowing more channels to be transmitted over a single transmission channel (column 6, lines 60-66).

Finally, in an analogous art, Tokumitsu discloses a video distribution system wherein textual information is compressed prior to transmission to the user and decompressed at the receiver (column 1, lines 10-53) for the typical benefit of enhancing data transmission efficiency (column 1, lines 10-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker's system to include wherein the terminal senses one or more interactive features during a selected program and generating a logo that is displayed on the television screen, which program has one or more interactive features, wherein the logo indicates to a user that the interactive features are available for the program, as taught in combination with Gibson, for the typical benefit of providing a user with a means to easily identify and access additional information related to a displayed video presentation.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker and Gibson's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught in combination with Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson and Young's system to include combining the television programs and program control information prior to compression, a means for compressing the packaged television programs and the program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs, as taught in combination with Nemirofsky, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Young and Nemirofsky's system to include a means for compressing the program control information and decompression hardware for decompressing the program control information, as taught in combination with Tokumitsu, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

As to claim 9, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the overlay menu includes menu options for a plurality of interactive features (see Banker at Figs. 7 and 7A and Gibson at column 5, lines 38-54 and column 6, lines 52-56).

As to claim 10, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the overlay menu further includes a menu option to return to the program without the interactive features (see Banker at Fig. 7A and Gibson at column 6, lines 57-60 and Fig. 6, steps 610, 612 and 616).

As to claim 11, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose a cursor that indicates one of the menu options (see Banker at column 21, lines 34-43 and Gibson at column 6, lines 51-56, column 4, lines 27-35 and column 3, lines 36-39), wherein the cursor is controlled by the user input (see Banker at column 21, lines 34-43 and Gibson at column 4, lines 27-35 and column 3, lines 36-39).

As to claim 12, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the interactive features include facts related to the program (see Gibson at column 4, line 65-column 5, line 5).

As to claim 13, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the guide further comprises a plurality of interactive submenus for use with the

interactive features (see Banker at Figs. 7 and 7A and column 21, lines 34-43), which submenus are displayed in response to a selection of the menu items (see Banker at column 21, lines 34-43), the selection being received as at least one of the selection signals from the user input (see Banker at column 21, lines 34-43).

As to claim 14, while Banker, Gibson, Young, Nemirofsky and Tokumitsu discloses displaying a plurality of submenus (see Banker at Fig. 7A), they fail to specifically disclose wherein the submenus are displayed in a video window in a scaled down program video format.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to simultaneously display a reduced version of a menu with a plurality of selections on the same display as video programming, wherein the menu and video programming are each scaled to cover a smaller portion of the overall display to allow both to be fully displayed to the user at the same time, for the typical benefit of allowing a viewer to continue fully viewing a television program while navigating a menu and not miss any of the displayed video program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Young, Nemirofsky and Tokumitsu's system to include wherein the submenus are displayed in a video window in a scaled down program video format for the typical benefit of allowing a viewer to continue viewing a television program while navigating a menu and not miss any of the displayed video program.

As to claim 15, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the program and one or more of the submenus are displayed on the television at the same time (see Banker at column 12, line 63-column 13, line 13).

As to claim 16, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the logo is displayed as an overlay menu (overlaid button to select; see Gibson at column 4, lines 7-36).

As to claim 17, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the logo is displayed by the set top terminal (see Banker at Fig. 3; column 12, lines 42-61), and wherein the set top terminal determines whether there is data or information about the program to be displayed as the one or more interactive features (see Gibson at column 5, lines 38-54) and displays the logo if there is data or information (see Gibson at column 6, lines 1-10).

As to claim 18, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the set top terminal (see claim 17) generates an overlay menu including the logo (column 3, line 65-column 4, line 35 and column 6, lines 1-24).

As to claim 19, while Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose generating the overlay menu utilizing a set top converter (see Banker at

column 12, lines 42-61), they fail to specifically disclose using data received during a vertical blanking interval.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to utilize data from a vertical blanking interval, as receiving data during a vertical blanking interval at a set top terminal allows a cable headend or other programming provider to download additional data and information to a user's system, such as interactive information or data updates, for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Young, Nemirofsky and Tokumitsu's system to include using data received during a vertical blanking interval for the typical benefit allowing additional and updated information to be received at a user's terminal from a broadcast provider utilizing a television signal.

As to claim 20, Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the logo is displayed in a corner of the screen of the television periodically for a specified duration (Fig. 3B, Fig. 4, step 408; column 5, lines 6-20).

As to claim 21, while Banker, Gibson, Young, Nemirofsky and Tokumitsu disclose wherein the logo is displayed for a particular period of time (pertaining to periods of time an object is on the display; see Gibson at column 6, lines 10-18 and

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column 4, lines 7-26 and lines 45-54), they fail to specifically disclose displaying the logo for 15 seconds during a plurality of ten-minute segments of the program.

The examiner takes Official Notice that it was notoriously well known in the art at the time of invention by applicant to display specific objects in a media presentation for at least 15 seconds during a plurality of ten-minutes segments of the program, such as the main character or object in a television program or movie, for the typical benefit of displaying important information to viewer's during extended periods of time during a program.

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Banker, Gibson, Young, Nemirofsky and Tokumitsu's system to include displaying the logo for 15 seconds during a plurality of ten-minute segments of the program for the typical benefit of displaying important information to viewer's during extended periods of time during a program.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldstein (5,410,326) (of record) in view of Banker, Young, Nemirofsky and Tokumitsu.

As to claim 1, while Goldstein discloses a television delivery system for generating an interactive electronic program guide for display on a television connected to a set top terminal (column 33, lines 3-34), the system comprising:

an operations center (cable facility; column 16, lines 38-41) comprising:

a means for packaging a plurality of television programs (plural programs to be broadcast to viewers; column 9, line 3-34 and column 34, line 67-column 35, line 22); and

a means for generating program control information including data associated with the packaging of the television programs (column 33, lines 58-68 and column 34, line 67-column 35, line 22);

a means for delivering the packaged television programs and the program control information from the operations center to a subscriber (column 16, lines 38-61, column 21, lines 3-10 and column 33, lines 58-68);

a set top terminal, located at the subscriber's location, that receives the television programs from the operations center (column 16, lines 38-45), the terminal comprising:

a microprocessor for executing program instructions (Fig. 14; microprocessor unit, 137; column 16, lines 38-45);

a graphic memory (column 33, lines 18-23 and lines 58-62);

a graphic generator to generate graphics from the graphic memory (column 17, lines 16-19 and column 34, lines 20-28); and

a subscriber interface for choosing an option from displayed graphics (column 34, lines 20-28) and for effecting the memory location from which graphical information is generated by the graphics generator (column 34, lines 20-37);

wherein the terminal generates an electronic program guide (column 17, lines 16-19) having a series of menus comprising:

a home menu (master menu; column 34, lines 1-9);

a plurality of major menus displayed as menu options on the home menu (column 34, lines 6-19);
a plurality of sub-menus displayed as menu options on the plurality of major menus (column 34, line 67-column 35, line 59); and
a plurality of during programming menus enacted after selection of a program (additional information icons displayed during a program; column 14, lines 3-20), he fails to specifically disclose wherein the series of menus are linked in a tree sequence and the subscriber interface is capable of choosing the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, a means for combining the packaged plurality of television programs and the generated program control information before performing compression, a means for compressing the packaged television programs and the program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs and decompression hardware for decompressing the compressed program control information.

In an analogous art, Banker discloses a television system delivery system (Fig. 1) which generates an electronic program guide menu for display to a user (column 11, lines 21-31), wherein the menu is in a series of menus that are linked in a tree sequence (see Figs. 6, 7A, 13A and 15A; column 21, lines 15-43, column 22, lines 27-45 and column 22, line 63-column 23, line 33) and a means for combining the packaged plurality of television programs and the generated program control information (scramblers; Fig. 1-2; column 8, line 45-column 9, line 32) before performing modulation

(Fig. 1) for the typical benefits of providing a simple, user friendly menu providing the user with easy navigation (column 19, line 63-column 20, line 2 and column 20, lines 6-42).

Additionally, in an analogous art, Young discloses a broadcast television system (Figs. 1 and 2; column 6, lines 18-59) including a broadcast receiver for processing and displaying a menu to a user (column 7, lines 33-59) which includes a tree-like structure (pluralities of sub-menus and options reached from the main menu; column 12, lines 12-45) wherein the user may indicate an option (through a dedicated button on the remote control; column 9, lines 47-67) to bypass the program guide mode menu and allow immediate access to the television program listings (column 10, line 13-column 12, line 30) for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features (column 10, lines 13-19 and column 12, lines 12-30).

Also, in an analogous art, Nemirofsky discloses a video distribution system (Fig. 1-2) wherein control data is inserted into the VBI of video programming (column 6, lines 31-59) prior to being transmitted to a modulator (column 6, lines 43-52) which includes a compressor (40B) which will compressed the received video signals prior to modulating and transmitting the signals (column 6, line 52-column 7, line 13) which is then decompressed at the receiver for the typical benefit of maximizing transmissibility by decreasing the size of the video data and allowing more channels to be transmitted over a single transmission channel (column 6, lines 60-66).

Finally, in an analogous art, Tokumitsu discloses a video distribution system wherein textual information is compressed prior to transmission to the user and decompressed at the receiver (column 1, lines 10-53) for the typical benefit of enhancing data transmission efficiency (column 1, lines 10-53).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein's system to include wherein the series of menus are linked in a tree sequence, as taught by Banker, for the typical benefits of providing the user with a simple means to navigate and exit the menu as desired.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein and Banker's system to include the subscriber interface comprising the option for bypassing at least one menu of the series of menus, wherein bypassing comprises skipping a menu level of the tree sequence, as taught by Young, for the typical benefit of providing a simple user friendly means to immediately access the most frequently used features.

Also, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein, Banker and Young's system to include combining the television programs and program control information prior to compression, a means for compressing the packaged television programs and the program control information and decompression hardware for decompressing a video signal of the compressed packaged television programs, as taught in combination with Nemirofsky, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

Finally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Goldstein, Banker, Young and Nemirofsky's system to include a means for compressing the program control information and decompression hardware for decompressing the program control information, as taught by Tokumitsu, for the typical benefit of more efficiently utilizing bandwidth by allowing a single channel to transmit additional video information.

As to claim 2, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose an introductory menu that is displayed upon beginning use of the guide (local menu to perform initialization; see Goldstein at column 33, lines 11-34).

As to claim 3, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose wherein the guide is controlled by a set top terminal (television receiver; see Goldstein at column 33, lines 11-33), and wherein the introductory menu automatically appears on the television screen when the set top terminal is turned on (see Goldstein at column 3, lines 11-16).

As to claim 4, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose wherein the introductory menu displays information or messages from a television delivery system operations center that provides programming (see Goldstein at column 33, lines 11-68).

As to claim 5, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose wherein the information or messages are directed to a particular subscriber (see Goldstein at column 20, lines 54-63).

As to claim 6, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose wherein the information or messages are directed to a group of subscribers (see Goldstein at column 20, lines 54-63).

As to claim 7, Goldstein, Banker, Young, Nemirofsky and Tokumitsu disclose wherein the during program menus comprise hidden menus and program overlay menus (comprising overlaid icons and hidden embedded information; see Goldstein at column 14, lines 3-20).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sheleheda/
Examiner, Art Unit 2424

JS